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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,539	03/01/2004	Mario Festag	M&N-IT-204 D	3380
24131	7590	06/29/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480				HAMMOND, BRIGGITTE R
ART UNIT		PAPER NUMBER		
		2833		

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/791,539	FESTAG ET AL.	
	Examiner	Art Unit	
	Brigitte R. Hammond	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 10.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/11/04
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date, _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurtz 5,087,921. Kurtz discloses a housing-shaped shielding plate 40 comprising: a shielding plate body having a first region to be disposed inside a metallic structure, said first region having a plurality of wall sections, and a second region 43 to be inserted through a cutout of the metallic structure, at least one of said plurality of wall sections of said first region of said shielding plate body having at least one elongated opening S1 formed therein being a slot antenna through which electromagnetic waves produced within said shielding plate body are coupled out of said shielding plate body.

Regarding claim 2, said slot antenna 40 has a length of $\pi/2$ of the electromagnetic waves emitted (see claim 2).

Regarding claim 3, said slot antenna runs in a longitudinal direction of said shielding plate body.

Regarding claim 4, said slot antenna runs at an angle relation to a longitudinal direction of said shielding plate body.

Regarding claim 5, said plurality of wall sections includes side wall sections and said slot antenna extends between opposite edges of one of said wall sections.

Regarding claim 6, said slot antenna a plurality of slot antennas, and said slot antennas have different lengths formed in said shielding plate body (see table 1).

Regarding claim 8, said shielding plate body forms a housing.

Regarding claim 9, said at least one of said plurality wall sections is a side wall.

Regarding claim 10, said at least one of said plurality of wall sections is a rear wall (since applicant has not defined where the rear wall is).

Regarding claim 11, said at least one of said plurality of wall sections is an upper wall.

Regarding claim 12, said shielding plate body emits electromagnetic waves being coupled out of said shielding plate body and radiated into the interior of the metal structure.

Claim Rejections - 35 USC § 103

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurtz in view of Glabe et al. 5,748,1142. Kurtz discloses the invention substantially as claimed, except for absorber material applied over said elongate openings formed in said shielding plate body. However, absorber material for absorbing electromagnetic waves and being applied over elongate openings formed is well known in the art as evidenced by Glabe et al. Glabe et al. disclose absorber material applied over elongate openings (col. 1, lines 40-45). Therefore it would have been obvious to one of ordinary skill in the art to modify the shilding plate of Kurtz by proving an absorber material applied over the elongated openings for absorbing electromagnetic waves as taught by Glabe et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hoover et al. 5,726,666, Takei et al. 5,914,693, Raab 5,914,694, Kadambi et al. 6,639,560, Nakahara et al. 3,729,740, Killion et al. 3,696,433, Josefsson et al. 6,081,241, Scharp 4,328,502 and Eichweber 4,247,858.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brigitte R. Hammond
Brigitte Hammond
June 23, 2004